

## **R E M A R K S**

The office action of August 27, 2007 has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is requested. Claims 1 through 18 remain in this case.

## **DETAILED ACTION**

### **Claim objections**

Claim 6 is objected to because it was misidentified as claim 18. The above amendment has this claim now appropriately numbered.

### **Allowable Subject Matter**

The Examiner finds that claims 5-6 and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge the Examiner's identification of allowability. However, they respectfully submit that the cited art does not require such a narrowing of the claims.

### **Claim Rejections - 35 USC § 103**

Claims 1-4 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meehan et al. (U.S.2002/0029187) in view of Kawamura et al. (U.S. 2002/0069141). Meehan et al. discloses a system for buying and selling goods and services over the internet. The system entertains many purchasers of a single item and permits bidding for this item, much like on-line auction sites such as eBay. As noted by the Examiner, Meehan et al. do not disclose that the "item" is a shipping platform. Further, this reference does not disclose identifying a specific original shipper with *its own shipping platforms* (not "a *type* of shipping platform" as the Examiner appears to believe). In Applicants' system, the original shipper is re-united with its original shipping platform.

Kawamura et al. disclose a closed inventory control system. A computer system links a manufacturer with a buyer of specific goods made by that manufacturer. The process starts with the buying ordering goods from the manufacturer. This “product ordering system” is not part of the Applicants’ invention. The computer system of Kawamura et al. then transmits the “product shipping notice to the manufacturer via the computer network” (page 1, paragraph 0016). The computer then calculates the container inventory balance based on a desired inventory quantity and sends notice to the buyer requesting the return of the container after receipt of the goods. This reference, when it does mention shipping containers, identifies them as (1) *returnable* containers. Further, their inventory control system links a specific manufacturer with a specific buyer of goods based on (2) a *single transaction* that was (3) initiated by the *buyer of the manufacturer’s goods*. This is a closed network right from the start of the purchase transaction. In contrast, Applicants’ system is not an inventory control system of goods or shipping platforms; it does not “track” the goods (and their corresponding shipping platforms); nor does it keep track of inventory levels of manufactured products or shipping platforms. Applicants’ system is a **shipping platform identification program**. It provides a “missing link” that reconnects **lost or otherwise discarded or about to be discarded shipping platforms with the original shipper through an identification program**.

The combination of the Meehan et al. internet auction service with the closed loop Kawamura et al. inventory control system for the shipment of goods and the return of “returnable containers” (page 2, paragraph 0023 and 0024) fails to teach or suggest a shipping platform identification program that *reconnects* shipping platforms that otherwise would be *lost or discarded* with their *original shipper*. In fact, the disclosures of these two references are so disparate that their combination clearly teach away from Applicants’ claimed system.

With respect to claim 4, the role of Applicants' "coordinator" comes about quite differently than that of the "middleman" of Meehan et al. What the Examiner deems a "coordinator" within the context of the disclosure of the reference is an *internet auction site*. This is quite distinct from Applicants' coordinator, who initially enables a manufacturer to merely place an identifier on each of its shipping platforms, which links that original shipper with that shipping platform. Then the goods (with the "marked" shipping platform) are then shipped to potentially *anyone, anywhere*. Applicants' coordinator has no control over, nor do they "track" the shipment between the original shipper and a *specific* buyer. The shipping platform with Applicants' identifier affixed thereto may never be seen again. Applicants' coordinator does not track their transit nor do they count them for inventory control purposes.

With respect to claims 10-11, Meehan et al. discloses identifying the specific goods to be sold on their internet auction site. This is quite different from placing an identifier on a shipping platform to assist with *possibility* of reconnecting that platform with the original shipper. The "inventory control system" of Kawamura et al. fails to supply the missing elements of Meehan et al. to result in Applicants' system. The reconsideration and withdrawal of this rejection is respectfully requested.

Claims 2-3, 12-13 and 15-18 are rejected under 35 USC 103(a) as being unpatentable over Meehan et al. (2002/0029187) in view of Kawamura et al. (2002/0069141) and in further view of CHEP.com ("CHEP").

The descriptions of Meehan et al. and Kawamura et al. and the relevance of their combined teachings with respect to Applicants' system has been discussed hereinabove and is incorporated herein by reference with regard to this rejection.

CHEP consists of an identified roster of *member* companies who ship and retrieve goods using containers within a *closed loop* business environment. *CHEP retains ownership of these* shipping platforms throughout the entire process of transfer from the original shipper to the end recipient and back to the original shipper again. They mark their platforms as being the property of CHEP. The combination of CHEP with Mechan et al. and Kawamura et al. fails to achieve a system for reconnecting *otherwise lost* items that have reached the end of their commercial journey, such as shipping platforms, with the original shippers of those items. These references are incompatible with each other. Their combination results in an inconceivable closed loop system where shipping platforms that are owned by one party are still subject to being auctioned to third parties.

In contrast, Claim 1 describes a method whereby a plurality of independent original shippers can re-purchase their own shipping platforms through a website established and managed by a third party, the coordinator. Applicants' are not attempting to claim a specific type of website. They are claiming a shipping platform retrieval system that utilizes the internet as an expedient tool. Applicants' system centers around a coordinator who assigns a unique identifier which is specific only to that original shipper (Claim 1-a). The original shipper then marks his shipping platforms with that identifier. The coordinator provides the means to reconnect these specific platforms with their original shipper via use of an internet website (Claim 1-b). When contacted by the end recipient, which can be either the buyer of the manufacturer's goods or a shipping platform reclaimer or recycler, the coordinator then contacts the appropriate original shipper with the information that the original shipper's platforms have been found and are now listed on the coordinator's website (Claim 1-c). Only upon receipt of information about the existence and location of specifically identified shipping platforms linked

to a specific original shipper does the coordinator facilitate the process of returning these shipping platforms from the end recipient to the original shipper. It is therefore respectfully requested that this rejection be given favorable reconsideration and withdrawn.

Claims 7-9 are rejected under 35 USC 103(as) as being unpatentable over Meehan et al. in view of Kawamura et al. and further in view of Canadian Patent Counsel (“CPC”). Neither Meehan et al. or Chep.com expressly disclose repair standards associated for listed items. CPC discloses a system that maintains a pool of standardized pallets that are owned by members of CPC. Much like CHEP, this is a *closed loop business network*. Members add and remove pallets from the pool while CPC tracks the balance of each member’s inventory. In effect, CPC are *inventory control managers*. If one were to combine the teachings of CPC with the systems of Meehan et al. and CHEP, it would create an internet auction site where only members of CPC could bid on pallets listed by other members. Creating such a system is counterintuitive since it would enable *third parties* to purchase pallets *already owned by another company*. This is inconsistent with the business model of CHEP since CHEP retains ownership of its own pallets, regardless of the location of those pallets. Applicants respectfully submit that merely because CPC references repair standards fails to supply the necessary elements to compensate for the remedy the deficiency of combining the primary references, Chep.com and Meehan et al. Accordingly, favorable reconsideration and withdrawal of this rejection are respectfully requested.

### **Conclusion**

Applicants believe that the claims are patentable over the referenced citations, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully

requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' attorney would advance the prosecution of the case to finality, she is kindly invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Respectfully Submitted:  
--Richards et al.--

By: \_\_\_/Gregory M. Hill, Reg. #31369/\_\_\_\_\_  
Gregory M. Hill, Registration No.: 31,369  
Attorney for Applicant

BROWN & MICHAELS, P.C.  
400 M&T Bank Building - 118 N. Tioga St.  
Ithaca, NY 14850  
(607) 256-2000 • (607) 256-3628 (fax)  
e-mail: [doCKET@bpmlegal.com](mailto:doCKET@bpmlegal.com)  
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